

Remarks

Reconsideration of this application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-2, 4-6, and 8-15 are pending in the application, with claim 1 being the independent claim. Claims 3 and 7 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 8-15 are sought to be added. The specification is sought to be amended merely to correct informalities. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Claim Objections

Claim 1 was objected to because of informalities. Specifically, the Examiner stated that the claim was improperly presented in a non-sequential manner by omission of limitations "(a)" - "(c)." Claim 1 has been amended herein to delete the alphabetic identifiers "(d)" and "(e)."

Claim 1 was further objected to because of the claim language "a shear field of 20 s⁻¹." Claim 1 has been amended herein to recite "a shear field of 20 s⁻¹," as suggested by the Examiner.

Applicant thus respectfully requests that the Examiner reconsider and withdraw the objections to claim 1.

Claim 7 was objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 7 is cancelled herein, rendering the objection thereto moot.

Rejections under 35 U.S.C. § 103

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,505,041 ("the '041 patent") in view of WIPO Publication No. WO 97/12027 ("the '027 publication"). Applicant respectfully traverses this rejection.

Present claim 1 recites a dispensing device with "a movable platform movable by means of a telescopic screw mechanism, wherein the telescopic screw mechanism comprises first and second threaded shafts connected together, wherein rotation of the screw mechanism advances the movable platform against the stored fabric cleaning fluid thereby dispensing a metered dose of the cleaning fluid from the reservoir, and wherein the reservoir and the movable platform are non-circular in cross section to resist rotation of the platform relative to the reservoir." Neither the '041 patent nor the '027 publication, taken alone in combination, disclose or suggest such features.

The '041 patent discloses a mold used for forming a solid stick product such as deodorant or antiperspirant. *See, e.g.*, '041 patent, col. 3, ll. 25-32; *see, e.g.*, Figs. 1 and 22. Figure 22 of the '041 patent discloses a mold having a telescopic mold screw 89. However, as seen in Figure 22, both platform 36 and the body of mold 24 are *circular* in cross section. '041 patent, Fig 22. The platform 36 and mold 24 therefore are not "*non-circular* in cross section to resist rotation of the platform relative to the reservoir," as recited in claim 1.

Furthermore, because exterior threads 93 are located on and integral with the platform 36, one of skill in the art would recognize that the telescoping mold screw 89 of the '041 patent must rotate relative to the wall of the mold as the screw mold 89 is rotated. In the embodiments shown in the remainder of the Figures (*see, e.g.*, Fig. 5), the shape of mold 25 and platform 39 are non-circular in cross section and the mold screws 29 and 30 are not telescoping. In those embodiments, platform 39 does not rotate relative to the wall of the mold. Thus, if telescoping mold screw 89 were used, platform 39 would not be able to advance in the cavity 28 in order to force product out of the top of the cavity.

The '027 publication is directed to laundry detergent compositions and does not disclose a dispenser for the laundry detergent. The '027 publication therefore fails to cure the deficiencies of the '041 patent.

Claims 2, 4-6, and new claims 8-15 depend from and add features to claim 1, and are therefore patentable for at least the same reasons as claim 1.

Claims 3 and 7 have been cancelled herein, rendering the rejections thereof moot.

Establishment of a prima facie case of obviousness requires that the Examiner factually show that the references in combination disclose all of the elements of the claims in their proper function. In the present case, this burden has not been met. Applicant thus respectfully requests that the Examiner reconsider and withdraw the rejections of claims 1-2, 4-6, and allow claims 1-2, 4-6, and 8-15.

Reply to Office Action of June 4, 2009

HINES, John David
Appl. No. 10/579,353


Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



C. Matthew Rozier
Agent for Applicant
Registration No. 63,429

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600